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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,914	06/01/2001	Ferdinand Schermel		4663

7590 11/05/2002

Ferdinand Schermel  
RR# 10  
Brampton, ON L6V 3N2  
CANADA

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3727

17

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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17

DATE MAILED:

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**Commissioner of Patents and Trademarks**

(see attached)

  
Stephen J. Castellano  
Primary Examiner  
Art Unit: 3727

Art Unit: 3727

The reply filed on October 9, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not properly filed an RCE. Applicant has been notified in the Advisory Action, paper No. 11, that the claim language contained in claim 2 of Amendment B filed September 12, 2002 as paper No. 10 is directed to non-elected subject matter and is also considered to be new matter. The amendment submitted with the filing of the RCE virtually incorporates the claim 2 amendments of paper 10 into claim 1. An RCE can not include divisional subject matter. The filing of the RCE can not be considered as a CPA because the original application was filed on June 1, 2001 after May 29, 2000. Therefore, applicant's options include the filing of a continuation under 37 CFR 1.53(b) if he wants to have the newly presented amended claims examined. Since these amendments include new matter, applicant should file a Continuation-in-part (CIP) under 37 CFR 1.53(b). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

All further communication should be in writing as stated in the interview summary filed 9/26/02 as paper No. 14.


The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc  
November 5, 2002